

SAN DIEGO CITY STREETS

“IF THE CITY CONTINUES DOWN THE CURRENT ROAD, SOON THERE WILL BE NO ROADS TO CONTINUE DOWN”

SUMMARY

The 2005-2006 San Diego County Grand Jury’s report *San Diego City Street Conditions* “...reviewed the process and reimbursement issues regarding when trenches are dug in the streets and the distribution of costs for repairs made by the City.” The Jury observed that the decaying condition of city streets was an obvious indication that excavations degrade and shorten the life of Public Right-of-Way (ROW). Excavations made were not properly repaired and the resulting sinking trenches left large depressions, causing even greater damage to the streets and the vehicles traveling over them. The Jury found that there was inconsistent enforcement of policies and procedures in place to assure the repair of trenching. There was also no enforced policy or procedure to assure compliance with Municipal Ordinances and Standard Drawings. The 2006-2007 San Diego County Grand Jury elected to follow up on the 2005-2006 Report.

The 2006-2007 Grand Jury also elected to examine the state of repair and maintenance of the City’s 2800 miles of streets. San Diego was recently reported to have some of the worst streets of all the cities in the U.S. **A very poor showing for “America’s Finest City.”**

PURPOSE

- Determine if the City of San Diego took action in response to the 2005/2006 Grand Jury Report *San Diego Street Conditions*.
- Examine current conditions of San Diego streets and planned actions, if any, by the City to begin repair and maintenance on the ever deteriorating streets.

PROCEDURES

Reviewed:

- The 2005-2006 Grand Jury Report; *San Diego City Street Conditions* (http://www.sdcounty.ca.gov/grandjury/reports/2005_2006/SanDiegoStreetConditions.doc)
- The City responses to the 2005-2006 Grand Jury Reports dated, June 20, 2006, and January 22, 2007
- The 2001 and 2003 City of San Diego Street Condition Assessment

- The 2007 City of San Diego Street Condition Assessment summary
- Various newspaper and internet articles regarding the condition of San Diego streets including Mayor Sanders' announced new assessment of city streets on May 2, 2007

Interviews

- Conducted three interviews with knowledgeable City personnel involved in the repair and maintenance of city streets.

Field Investigations

- Conducted several informal on-site investigations of street conditions in the City.

DISCUSSION

The 2005-2006 Grand Jury conducted a study and wrote a report, *San Diego City Street Conditions*, focusing on repairs when trenches are dug in the streets. The City responded to the facts, findings and recommendations in two letters dated June 20, 2006, and January 22, 2007. In these responses the City defined specific actions to be taken on two recommendations contained in the report. The City is commended for forthright responses and subsequent corrective actions that were taken. It is important that funding be made available.

This Grand Jury also decided to evaluate current conditions of city streets and determine what action, if any, was being taken by the City to repair and maintain them. In 2001 and again in 2003, the City conducted surveys of approximately 1250 miles of the 2800 miles of city streets to assess their condition. Streets were selected based on classification and traffic volume. All non-residential, and those residential streets with an average daily traffic count of 2500 or greater, were selected. Due to lack of funding, no survey was conducted in 2005. A survey was conducted in 2007 with the results announced by Mayor Sanders on May 2, 2007. Conditions of the surveyed streets are separated into three groups as indicated in the chart below.

SURVEY RESULTS 2001, 2003 & 2007

Year	Acceptable Percent	Fair Percent	Poor Percent
2001	49	42	2
2003	40	42	18
2007	37	45	18

Legend:

Acceptable	is	Few potholes, good surface and drainage
Fair	is	Bumpy, potholes and some cracking
Poor	is	Wide cracks and sub seal damage

No major repairs were performed from 2001 to 2003, thus the decrease in the acceptable condition and the increase in the poor condition. Since there were no repairs of any significance performed from 2003 to 2007 the number of streets in the acceptable category acceptable continued to decline. Lack of funding by the City for repair and maintenance of streets for several years has resulted in a deplorable situation. The taxpayers will now be called upon to foot the bill for the big expense of repairing streets, which if properly maintained, would not have the extensive damage and associated major increase in cost for repair.

The City budget in fiscal year 2007 will permit resurfacing and/or repair of about 100 miles of city streets. The current budget is more in one year than in the last seven years combined.

While it is definitely a step in the right direction, it is too little and too late. The City Street Department estimates a cost of approximately \$400 million to return the city streets to acceptable condition and about \$35 million a year for maintenance. Since the products used to repair and maintain the streets are mainly oil-based, the costs continue to rise almost on a daily basis. Thus, the real repair costs are hard to estimate at any time. Obviously, as more time passes costs increase. If the annual goal continues to be in the range of 100 miles per year, it will take many years to finish the task and by then the roads will have gone to “pot.” **If the City chooses to take this road, soon there will be no roads to take.**

The street department has done a commendable job of filling potholes and doing minimum maintenance based on limited funds available from 2001 to 2007. Over the past several years, the City has used a system of repairing the streets in each of the eight Council districts, when funds were made available, to ensure that no council members will be unhappy about their district not getting its fair share of the proposed

repairs. This approach does not ensure that repairs are being completed in the most efficient and cost effective way. The Grand Jury believes that this approach is irresponsible and unacceptable.

The City of San Diego should look to the south and follow the example of Chula Vista. That City is taking the responsible approach to get more years of life from its streets through appropriate preventative maintenance. The City of Chula Vista has defined an approach which would provide a fair basis for choosing which roads to fix first. After the Chula Vista Council passed the street measure, the Mayor stated, "...so we're not looking at the favorite streets of the Mayor or the Council members." It is time for the City of San Diego to put aside politics and be concerned about its responsibility to the taxpayers.

FACTS AND FINDINGS

Fact: The 2005-2006 Grand Jury report, *San Diego City Street Conditions*, examined the process and reimbursement issues regarding repairs when trenches are dug in the streets, and the distribution of costs for any repairs made by the City.

Fact: The City has taken specific actions in the following areas to address the Recommendations in the report:

- Trench repairs that are performed by the City as the result of poor workmanship by contractors will be referred to the Chief Deputy City Attorney of the Public Works Unit for corrective action which would preferably be recovery of costs from the contractor.
- The City has taken steps to implement a comprehensive program for the care, maintenance and inspection of City streets to ensure high quality street repairs and to allow City departments to share and have access to information on trench work being performed throughout the city. The effectiveness of this approach remains to be seen.

Fact: Current estimates by the Street Department indicate that it will take approximately \$400 million to bring the city streets up to acceptable condition and \$35 million a year to maintain them.

Finding: The City did not provide adequate funding to maintain and repair the streets between 2001 to 2007. The City Street Department was budgeted to fix potholes while the streets "went to pot." Street condition assessment surveys in 2001 and 2003 indicated continuous deterioration of the streets. The City could not find the money to authorize an assessment in 2005. The results of the 2007 assessment have been released and as expected the assessment shows continued deterioration of the streets. The street condition assessments in 2001 and 2003 indicated the conditions of the streets were

deteriorating, but the City choose to take no action regarding funding. As a matter of fact, it decided not to fund a street assessment in 2005. After all, why fund an assessment that will indicate that the streets are continuing to deteriorate when you don't intend to provide funding to correct the situation? In 2007, the City allocated \$13 million to repair and/or resurface about 100 miles of city streets. Although this is a step in the right direction, it is too little too late. The Mayor's proposed 2008 budget calls for resurfacing and/or resealing 135 miles of city streets with an expenditure of nearly double the \$13 million in the 2007 budget. The Mayor should be commended for his efforts to attack the street problem, but there is a lot of remediation to do.

Fact: It has been the practice of the Street Department, when obtaining approval of City Council for funding of street projects, to include projects in every Council district to avoid discussions about "why that district and not mine?"

Finding: The Street Department has been appeasing the City Council's desires to fund all districts for street repair rather than allocate monies to the streets that need repair and/or resurfacing in the proper order of priority regardless of the district where they are located. This practice may placate Council members, but is not in the best interests of the taxpayers because it is not the most-cost effective approach. San Diego City Council should emulate Chula Vista which has a city-wide pavement management system. This might help San Diego get more years of life from its roads through preventative maintenance, such as sealing roads rather than taking the "fix the worst first approach." This could provide a fair basis for choosing which roads to fix first rather than trying to appease City officials.

Fact: The Mayor released a new proposal ("Fact Sheet") for street repairs for FY 2008 to the public on May 2, 2007. Web reference: http://www.sandiego.gov/mayor/pdf/streets_factsheet_5_2.pdf

Finding: The City should be held to the policy that seems to be implied in the Mayor's "Fact Sheet" in which he proposes scheduling repairs based on "need criteria". The Grand Jury hopes the criteria statement, "Location to ensure equity across city," is not a euphemism for distribution of funds by Council District rather than by repair need.

RECOMMENDATIONS

The 2006-2007 San Diego County Grand Jury recommends that the City of San Diego:

07-56: Follow through with the proposed actions defined in the City response letters dated June 20, 2006 and January 22, 2007 to the 2005-2006 Grand Jury recommendations in the report titled *San Diego City Street Conditions..*

- 07-57:** Pursue funding, through bonds and appropriations from the Federal and State Governments, to provide the needed \$400 million to upgrade all of the city streets to an acceptable condition.
- 07-58:** Budget a minimum of \$35 million per year at the conclusion of the aforementioned upgrade to maintain the streets in that condition.
- 07-59:** Direct the Street Department to implement a comprehensive cost-effective repair and maintenance plan independent of council district location based on budget and the latest street assessment.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for

discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Mayor, City of San Diego	07-56 through 07-59	8/20/07
City Council, City of San Diego	07-56 through 07-59	8/20/07